

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INTELLECTUAL VENTURES I LLC and)	
INTELLECTUAL VENTURES II LLC,)	Civil Action No. 2:13-cv-00740-AJS
)	
Plaintiffs,)	U.S. District Judge Arthur J. Schwab
)	
v.)	ELECTRONICALLY FILED
)	
PNC FINANCIAL SERVICES GROUP, INC.)	
and PNC BANK, N.A.,)	JURY TRIAL DEMANDED
)	
Defendants.)	

**PROPOSED CONSENT ORDER OF COURT APPOINTING SPECIAL MASTER
ON CLAIM CONSTRUCTION AND SUMMARY JUDGMENT**

AND NOW, this _____ day of _____, 2013,

Upon consent of the parties, IT IS HEREBY ORDERED that David G. Oberdick is appointed as Special Master on the issue of **Claim Construction**, pursuant to Federal Rules of Civil Procedure 53 and 83, and in conformance with the Local Patent Rules (LPR) for the United States District Court for the Western District of Pennsylvania (effective November 1, 2009).

With regard to claim construction, pursuant to LPRs 4.1through 4.5:

- (1) The Special Master shall submit to the Court a Report and Recommendation on the issue of patent claim construction. In that regard, the Special Master is empowered to hold hearings and receive and report evidence. (Parties to refer to the Joint Scheduling Order/Case Management Order and Appendix LPR 2.1 for procedures regarding providing information to the Special Master).
- (2) Within 30 days following the hearing on the issue of claim construction, the Special Master shall submit a Report and Recommendation to this Court.
- (3) Either party may file objections to – or a motion to adopt or modify – the Special Master’s Report or Recommendation, no later than fourteen (14) days from the time the Special Master’s Report and Recommendations are submitted.
- (4) A party may file a response to such objection or motions within fourteen (14) days of the initial filing of such objection or motion.

- (5) The compensation to be paid to the Special Master shall be fixed and determined by the Court pursuant to Federal Rule of Civil Procedure 53(a). The parties shall equally split the costs and fees for services rendered by the Special Master, unless otherwise ordered by this Court.

Upon consent of the parties, IT IS FURTHER ORDERED, that David G. Oberdick is appointed as Special Master on the issue of **motion(s) for Summary Judgment**, pursuant to Federal Rule of Civil Procedure 53.

With regard to motion(s) for Summary Judgment, any motion and any response thereto shall comply with Federal Rule of Civil Procedure 56 and L.Cv.R. 56. Further,

- (1) Within 30 days of the deadline for filing any reply brief in support of any motion(s) for Summary Judgment (as more fully detailed in the Joint Scheduling Order/Case Management Order), the Special Master shall consider and issue a Report and Recommendation with regard to any pending Motion(s) for Summary Judgment.
- (2) Either party may file objections to – or a motion to adopt or modify – the Special Master’s Report or Recommendation on Summary Judgment, no later than fourteen (14) days from the time the Special Master’s Report and Recommendations are submitted.
- (3) A party may file a response to such objection or motions to adopt/modify within fourteen (14) days of the initial filing of such objection or motion.
- (4) The compensation to be paid to the Special Master shall be fixed and determined by the Court pursuant to Federal Rule of Civil Procedure 53(a). The parties shall equally split the costs and fees for services rendered by the Special Master, unless otherwise Ordered by this Court.

This Order is subject to the dates set forth in the Case Management Order.

SO ORDERED this _____ day of _____, 2013.

Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties